

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

A.B.R.A. Agenda

Agenda
Hearing

July 9, 2014

The Alcoholic Beverage Control
Board met in the Alcoholic Beverage Control
Hearing Room, Reeves Building, 2000 14th
Street, N.W., Suite 400S, Washington, D.C.
20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

1 P-R-O-C-E-E-D-I-N-G-S

2 (6:17 p.m.)

3 CHAIRPERSON MILLER: Okay. We are
4 back on the record to do our agendas for
5 today.

6 Let's start with our Licensing
7 Agendas. We have a Licensing Agenda, a
8 Supplemental Licensing Agenda and a second
9 Supplemental Licensing Agenda.

10 First on the Licensing Agenda is a
11 letter from Attorney Andrew Kline requesting
12 to amend a license by changing the address of
13 the premises and that's for Joe's Seafood,
14 Prime Steak and Stone Crab located at 750 15th
15 Street, N.W., License No. 093894.

16 And I move that we approve this
17 request.

18 MEMBER RODRIGUEZ: Second it.

19 CHAIRPERSON MILLER: And that has
20 been seconded by Mr. Rodriguez.

21 All those in favor say aye.

22 ALL: Aye.

1 CHAIRPERSON MILLER: All those
2 opposed? All those abstaining? The motion
3 passes 5-0-0.

4 No. 2 is a letter from Attorney
5 Stephen J. O'Brien requesting changes of hours
6 for Commissary located at 1443 P Street, N.W.,
7 License No. 071487.

8 I move that we approve this
9 request. And I would say that it affects the
10 sidewalk cafe, but that's only one hour
11 earlier on Sunday and Saturday. And then the
12 others are internal. So I move that we
13 approve. Do I have a second?

14 MEMBER SHORT: Second.

15 CHAIRPERSON MILLER: Mr. Short
16 seconded the motion.

17 All those in favor say aye.

18 ALL: Aye.

19 CHAIRPERSON MILLER: All those
20 opposed? All those abstaining? The motion
21 passes 6-0-0.

22 No. 3 is a change of hours

1 application for Public Tenley located at 4611
2 41st Street, N.W., License No. 085626. And
3 this is for sidewalk cafe.

4 And No. 4 is also for the same
5 establishment for summer garden endorsement.

6 So I move that we placard both of
7 these applications. Do I have a second?

8 MEMBER SHORT: Second.

9 CHAIRPERSON MILLER: Mr. Short
10 seconded the motion.

11 All those in favor say aye.

12 ALL: Aye.

13 CHAIRPERSON MILLER: All those
14 opposed? All those abstaining? The motion
15 passes 5-0-0 for both 3 and 4.

16 No. 5 is a letter from Michael D.
17 Fonseca regarding an involuntary transfer of
18 license for Bliss located at 2122 24th Place,
19 N.E.

20 I move that we postpone this
21 application for a week. Do I have a second?

22 MEMBER ALBERTI: Second.

1 CHAIRPERSON MILLER: Mr. Alberti
2 has seconded the motion.

3 All those in favor say aye.

4 ALL: Aye.

5 CHAIRPERSON MILLER: All those
6 opposed? All those abstaining? The motion
7 passes 5-0-0.

8 No. 6 is an application for a
9 change of hours for Topsy Peacock located at
10 2915 Georgia Avenue, N.W., License No. 094764.

11 I move that we approve this
12 request. Do I have a second?

13 MEMBER RODRIGUEZ: Second.

14 CHAIRPERSON MILLER: Mr. Rodriguez
15 seconded the motion.

16 All those in favor say aye.

17 ALL: Aye.

18 CHAIRPERSON MILLER: All those
19 opposed? All those abstaining? The motion
20 passes 5-0-0.

21 No. 7 is a change of hours request
22 for Chef Geoff's Downtown located at 1301

1 Pennsylvania Avenue, N.W., License No. 060577.

2 I move that we approve this change
3 of hours request. Do I have a second?

4 MEMBER SHORT: Second.

5 CHAIRPERSON MILLER: Mr. Short has
6 seconded the motion.

7 All those in favor say aye.

8 ALL: Aye.

9 CHAIRPERSON MILLER: All those
10 opposed? All those abstaining? The motion
11 passes 5-0-0.

12 No. 8 is a review of a license for
13 entertainment endorsement, I think,
14 particularly regarding the notice that was not
15 provided for this endorsement, so this is for
16 Creme located at 2436 14th Street, N.W.,
17 License No. 093542.

18 I move that we placard for the
19 entertainment endorsement. Do I have a
20 second?

21 MEMBER RODRIGUEZ: Second.

22 CHAIRPERSON MILLER: Mr. Rodriguez

1 seconded the motion.

2 All those in favor say aye.

3 ALL: Aye.

4 CHAIRPERSON MILLER: All those
5 opposed? All those abstaining? The motion
6 passes 5-0-0.

7 No. 9 is a change of hours request
8 for Good Hope Deli and Market located at 1738
9 Good Hope Road, S.E., License No. 093974.

10 I move that we approve this change
11 of hours application. Do I have a second?

12 MEMBER SHORT: Second.

13 CHAIRPERSON MILLER: Mr. Short has
14 seconded the motion.

15 All those in favor say aye.

16 ALL: Aye.

17 CHAIRPERSON MILLER: All those
18 opposed? All those abstaining? The motion
19 passes 5-0-0.

20 No. 10 is an application to place
21 a license in safekeeping. This is for Le
22 Droit Park Market located at 1901 4th Street,

1 N.W., License No. 060507.

2 I move that we approve for six
3 months. Do I have a second?

4 MEMBER BROOKS: Second.

5 CHAIRPERSON MILLER: Mr. Brooks
6 has seconded the motion.

7 All those in favor say aye.

8 ALL: Aye.

9 CHAIRPERSON MILLER: All those
10 opposed? All those abstaining? The motion
11 passes 5-0-0.

12 No. 11 is a letter from Attorney
13 Stephen J. O'Brien with a change of hours
14 application for The Leavey Center located at
15 3800 Reservoir Road, N.W., License No. 012331.

16 I move that we approve the
17 application. Do I have a second?

18 MEMBER SHORT: Second.

19 CHAIRPERSON MILLER: Mr. Short has
20 seconded the motion.

21 All those in favor say aye.

22 ALL: Aye.

1 CHAIRPERSON MILLER: All those
2 opposed? All those abstaining? The motion
3 passes 5-0-0.

4 No. 12 is a letter from Stephen J.
5 O'Brien with a change of hours application for
6 La Piquette located at 3712-3714 Macomb
7 Street, N.W., License No. 093706. This is to
8 allow a later closing by one hour from 11:00
9 p.m. to 12:00 a.m. Wait a second. That's
10 Friday and Saturday. Yes, Friday and
11 Saturday.

12 Okay. I move that we approve this
13 application for change of hours. Do I have a
14 second?

15 MEMBER ALBERTI: Second.

16 CHAIRPERSON MILLER: Mr. Alberti
17 seconded the motion.

18 All those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those
21 opposed? All those abstaining? The motion
22 passes 5-0-0.

1 No. 13, and finally, we have an
2 application for a manager's license from Sara
3 E. Kagen, ABRA-095553.

4 I move that we approve this
5 application. Do I have a second?

6 MEMBER BROOKS: Second.

7 CHAIRPERSON MILLER: Mr. Brooks
8 has seconded the motion.

9 All those in favor say aye.

10 ALL: Aye.

11 CHAIRPERSON MILLER: All those
12 opposed? All those abstaining? The motion
13 passes 5-0-0.

14 Okay. So that completes the
15 Licensing Agenda. And we can now move to the
16 Supplemental Licensing Agenda.

17 COURT REPORTER: Ms. Miller, do
18 you have copies of this for me? I didn't get
19 them with my --

20 CHAIRPERSON MILLER: Copies of
21 what?

22 COURT REPORTER: -- book.

1 CHAIRPERSON MILLER: Of what I
2 just read or the new ones?

3 COURT REPORTER: These lists.

4 CHAIRPERSON MILLER: The
5 Supplementals?

6 COURT REPORTER: The Licensing and
7 Supplementals.

8 CHAIRPERSON MILLER: The
9 Supplementals or also the Licensing?

10 COURT REPORTER: Both.

11 CHAIRPERSON MILLER: Both?

12 COURT REPORTER: Yes.

13 CHAIRPERSON MILLER: For right now
14 or for afterwards? Would it be easier if you
15 had it now?

16 COURT REPORTER: Yes.

17 CHAIRPERSON MILLER: Does anybody
18 have a copy? I need my copy.

19 MEMBER RODRIGUEZ: Mr. Brooks just
20 gave it to him.

21 CHAIRPERSON MILLER: Oh, he did?
22 Thank you.

1 COURT REPORTER: And the
2 Supplemental?

3 CHAIRPERSON MILLER: Do you have a
4 Supplemental one? There is a Supplemental and
5 a second Supplemental.

6 MEMBER BROOKS: The second
7 Supplemental, I've got that. I'm not sure.
8 I've got the second, but not the Supplemental.
9 Is that it?

10 CHAIRPERSON MILLER: Oh, I might.
11 Yes, that's it.

12 MEMBER BROOKS: Okay. You got it?

13 COURT REPORTER: The second
14 Supplemental.

15 CHAIRPERSON MILLER: Okay.

16 COURT REPORTER: Okay.

17 CHAIRPERSON MILLER: Are we ready?
18 Okay. Now, we are on the Supplemental
19 Licensing Agenda.

20 The first item on the Supplemental
21 Licensing Agenda is a review of additional
22 documentation supporting request for new

1 Retailer Class B full-service grocery. This
2 is for Harris Teeter Riverfront located at 401
3 M Street, S.E., Retailer B grocery, License
4 No. 095112.

5 We have completed reviewing that
6 documentation and I move that we placard the
7 application. Do I have a second?

8 MEMBER SHORT: Second.

9 CHAIRPERSON MILLER: Mr. Short has
10 seconded the motion.

11 All those in favor say aye.

12 ALL: Aye.

13 CHAIRPERSON MILLER: All those
14 opposed? All those abstaining? The motion
15 passes 5-0-0.

16 No. 2 is a change of hours request
17 related to Nooshi Capitol Hill located at 524
18 8th Street, S.E., License No. 085618.

19 I move that we approve the
20 application. Do I have a second?

21 MEMBER RODRIGUEZ: Second.

22 CHAIRPERSON MILLER: Mr. Rodriguez

1 seconded the motion.

2 All those in favor say aye.

3 ALL: Aye.

4 CHAIRPERSON MILLER: All those
5 opposed? All those abstaining? The motion
6 passes 5-0-0.

7 We are now moving on to the second
8 Supplemental Licensing Agenda.

9 No. 1 on that agenda is a request
10 for a stipulated license, which is accompanied
11 by the ANC letter of support from ANC-3E. The
12 establishment is Lunch Box located at 5335
13 Wisconsin Avenue, N.W., License No. 095410.

14 I move that we approve the
15 stipulated license. Do I have a second?

16 MEMBER BROOKS: Second.

17 CHAIRPERSON MILLER: Mr. Brooks
18 has seconded the motion.

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those
22 opposed? All those abstaining? The motion

1 passes 6-0-0.

2 No. 2 is a letter from Attorney
3 Stephen J. O'Brien with an application for an
4 exception to single sales restrictions and
5 resolution dated June 16, 2014 from Will
6 Stephens, ANC Chair. This is related to
7 Hampton Inn located at 1729 H Street, N.W.,
8 License No. 091668.

9 I move that we approve the
10 application.

11 MEMBER SILVERSTEIN: Second.

12 CHAIRPERSON MILLER: Mr.

13 Silverstein has seconded the motion.

14 All those in favor say aye.

15 ALL: Aye.

16 CHAIRPERSON MILLER: All those
17 opposed? All those abstaining? The motion
18 passes 6-0-0.

19 Okay. That concludes our
20 Licensing Agendas. We have some Legal
21 Agendas.

22 The first item on our Legal Agenda

1 is a review of a resolution dated June 16,
2 2014 from Will Stephens, ANC-2B Chair, related
3 to the Hampton Inn. This is related to the
4 Hampton Inn application that we just voted on,
5 so the application for exception to single
6 sales restriction.

7 So there is no action to be taken
8 in this matter. And in fact, there will be a
9 Board Order 2014-275 that we are issuing
10 today.

11 No. 2 is a Motion to Consolidate
12 the protest of applications for renewal of
13 license and termination of settlement
14 agreement dated June 30, 2014 from Florence
15 Harmon of ANC-2A. It's related to Shadow Room
16 located at 2131 K Street, N.W., License No.
17 75871.

18 Okay. All right. We have -- I
19 just want to note, that we have on our
20 Supplemental Legal Agenda at No. 2 an
21 opposition to the Motion to Consolidate the
22 protest hearings dated July 7, 2014 from

1 Emanuel Mpras. So we have a motion and we
2 have an opposition.

3 I would move that we deny the
4 motion.

5 MEMBER ALBERTI: I'll second it.

6 CHAIRPERSON MILLER: All right.

7 And then we can get a comment afterwards.

8 Okay.

9 All those in favor of denying say
10 aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those
13 opposed? All those abstaining? The motion
14 passes 6-0-0.

15 This relates to the issue that we
16 have already held a protest on renewal and the
17 motion was asking that that be the record and
18 that they be consolidated and that there need
19 not be another hearing.

20 And I think we are denying this,
21 at least I am and I think others feel the same
22 way, that no, that can't be the whole hearing

1 because there are other tests that have to be
2 addressed in a termination case.

3 However, we would like to convey
4 to the parties that we don't need to have
5 repetitive testimony, that if there is
6 testimony from the renewal hearing, that they
7 would like to put into evidence that we would
8 consider that, you know, subject to any
9 oppositions by the opposing party or how to
10 handle that.

11 Are there any other comments on
12 that? Mr. Silverstein?

13 MEMBER SILVERSTEIN: Thank you,
14 Madam Chair. I agree entirely. The fact that
15 the counsel for the licensee has opposed this,
16 gives us no choice but to deny the request,
17 but there is nothing here that allows -- that
18 would deny either side the opportunity to
19 reinsert testimony previous -- in the previous
20 case here, so that we could all save a lot of
21 time.

22 There are different matters,

1 different tests involved in these two separate
2 cases as similar as they are. So the
3 appropriate move would be to allow testimony
4 to be inserted in here from the previous case,
5 but also to allow both sides to put in
6 additional testimony and further argue their
7 case. Thank you.

8 CHAIRPERSON MILLER: Okay. Okay.
9 And I think our counsel will probably convey
10 that as well and make sure that everybody
11 understands that ahead of time.

12 MEMBER ALBERTI: I'm sure.

13 CHAIRPERSON MILLER: Because they
14 may not read this transcript. Okay.

15 No. 3 on the legal agenda is a
16 Motion for Reconsideration of Order on
17 Dismissal of Petition to Terminate a
18 Settlement Agreement on petitioner's request
19 for reinstatement. This is related to
20 Vendetta located at 1210 H Street, N.E.,
21 License No. 72234.

22 And No. 4 is connected to that in

1 that it is in opposition to the Motion for
2 Reconsideration and that is by the ANC, I
3 believe.

4 So does someone have a motion on
5 that?

6 MEMBER SILVERSTEIN: Madam Chair,
7 I move that --

8 CHAIRPERSON MILLER: This involves
9 a notice issue.

10 MEMBER SILVERSTEIN: -- we deny.

11 CHAIRPERSON MILLER: Okay.

12 MEMBER BROOKS: Second.

13 CHAIRPERSON MILLER: Okay. Mr.
14 Silverstein has made the motion to deny and
15 Mr. Short has seconded the motion.

16 All those in favor say aye.

17 MEMBER ALBERTI: Madam Chair, I
18 just want to -- wait, before you take the
19 vote.

20 CHAIRPERSON MILLER: Okay.

21 MEMBER ALBERTI: I just want to
22 state that Board Member Alberti recuses

1 himself from this matter.

2 CHAIRPERSON MILLER: Okay.

3 Actually, before we vote, I guess I will be
4 voting against this motion, because he claims
5 not to have received an email and that's why
6 he didn't appear.

7 And I think there is -- if you
8 look at the evidence, it looks like he should
9 have received it, given that the ANC has said
10 he is on the previous email to the same
11 parties, but I think that he never confirmed
12 that he did and so I would give him the
13 benefit of the doubt in favor of a hearing on
14 the merits.

15 So I put that on the record.
16 There is a motion to deny.

17 All those in favor of the motion
18 say aye.

19 MEMBER SHORT: Aye.

20 MEMBER SILVERSTEIN: Aye.

21 MEMBER RODRIGUEZ: Aye.

22 MEMBER BROOKS: Aye.

1 CHAIRPERSON MILLER: All those
2 opposed say nay. Nay. The motion to deny
3 passes by a vote of 5 --

4 MEMBER ALBERTI: 4-1.

5 CHAIRPERSON MILLER: 4. 4-1-0 and
6 Mr. Alberti is recused. Okay.

7 No. 5 is a petition to stay Board
8 Order 2014-252. It is related to the Sesto
9 Senso case and Sesto Senso is located at 1214
10 18th Street, N.W. We have heard that the
11 Government will be taking no position on the
12 request for the stay.

13 Therefore, we can vote on it today
14 and I would move that we grant the stay. Do
15 I have a second?

16 MEMBER ALBERTI: Second.

17 CHAIRPERSON MILLER: Mr. Alberti
18 seconded the motion.

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those
22 opposed? All those abstaining? The motion

1 passes 5-0-0.

2 No. 6 is a letter dated June 24,
3 2014 from Michael Cotton, a protestant with
4 respect to The VIP Room, which is located at
5 6201 3rd Street, N.W., License No. 94561.

6 I move that we postpone
7 consideration of this letter for a week. Do
8 I have a second?

9 MEMBER ALBERTI: Madam Chair,
10 rather than -- I'm not sure how you want to
11 handle this, but I was just shown the placard
12 for this. I know that you had asked that it
13 be pulled from the record. And the placard is
14 not consistent with what the Board had
15 stipulated for this license.

16 CHAIRPERSON MILLER: Okay.

17 MEMBER ALBERTI: So I don't know
18 if we can act by saying that we will
19 replacard, at this point.

20 CHAIRPERSON MILLER: Can I see it?
21 Do you have it there?

22 MEMBER ALBERTI: I don't have it.

1 I mean, the attorney showed it to me and then
2 left, so I don't know whether you want to
3 handle it this week --

4 CHAIRPERSON MILLER: Okay.

5 MEMBER ALBERTI: -- or next week.

6 Can we pass over that for a moment --

7 CHAIRPERSON MILLER: Okay. All
8 right.

9 MEMBER ALBERTI: -- and see if I
10 can get you a copy?

11 CHAIRPERSON MILLER: Okay. Good,
12 good. Okay. So we will come back to this
13 one.

14 No. 7 is a request to grandfather
15 the protest of the group of five or more dated
16 June 26, 2014 from William Isasi, who is a
17 protestant. It relates to New Town Kitchen
18 and Lounge case located at 1336 U Street,
19 N.W., License No. 93095.

20 Now, I would move definitely to
21 grant this request, because we indicated to
22 the party that we would do so. It's a

1 reinstatement case.

2 However, I think that the party
3 asked for some guidance as to -- I just want
4 to double check. Okay. Yes, the New Town had
5 failed to appear at the Status Hearing and,
6 okay, they filed a new renewal application.

7 So they are asking, you know, that
8 we grandfather them, which I would recommend
9 that we do.

10 MEMBER ALBERTI: I'll second that
11 motion.

12 CHAIRPERSON MILLER: Okay. And
13 they just wanted some clarification whether
14 that means -- they wanted to be excused from
15 having to appear at the Roll Call Hearing.
16 You know, they have already gone through those
17 motions. We are just reinstating.

18 MEMBER ALBERTI: If we are
19 reinstating it, I think we have to have them
20 appear at Roll Call. Unfortunately, I know
21 it's a burden on these folks --

22 CHAIRPERSON MILLER: Right.

1 MEMBER ALBERTI: -- but I think to
2 be consistent with everyone, we have to have
3 them appear at Roll Call.

4 CHAIRPERSON MILLER: But not for
5 standing purposes. For just -- because they
6 have standing. We said they have standing.

7 MEMBER ALBERTI: Just one moment.

8 CHAIRPERSON MILLER: Yes, wait a
9 second.

10 MEMBER ALBERTI: Martha?

11 CHAIRPERSON MILLER: Did they show
12 up for mediation purposes?

13 MS. JENKINS: All the
14 grandfathering is the fact that protested it.

15 MEMBER ALBERTI: Right, right,
16 yes.

17 CHAIRPERSON MILLER: Have they
18 been granted standing?

19 MEMBER ALBERTI: No, they haven't.
20 They haven't been granted standing again.
21 They have only been granted protest --

22 MS. JENKINS: Right. They were

1 dismissed at Roll Call, so standing wasn't
2 conferred on anyone, was it?

3 MEMBER ALBERTI: Right, right.

4 MS. JENKINS: At what point in the
5 process did the applicant get kicked out?

6 CHAIRPERSON MILLER: He didn't
7 show at the status.

8 MEMBER ALBERTI: He didn't show
9 up?

10 MS. JENKINS: Are you sure?

11 MEMBER ALBERTI: I don't know.

12 MS. JENKINS: So standing --

13 CHAIRPERSON MILLER: That's what
14 it says here.

15 MS. JENKINS: Oh, in that
16 instance, you guys don't even hold Roll Call
17 for either party.

18 CHAIRPERSON MILLER: Okay.

19 MS. JENKINS: For either party.
20 You go back in to that continuum at the status
21 level.

22 CHAIRPERSON MILLER: Okay. Go

1 back to where we were.

2 MS. JENKINS: Right.

3 CHAIRPERSON MILLER: Okay.

4 MS. JENKINS: Where the train fell
5 of the track.

6 MEMBER ALBERTI: Oh, is that what
7 we did?

8 MS. JENKINS: Yes.

9 MEMBER ALBERTI: Okay.

10 CHAIRPERSON MILLER: Okay. That
11 makes sense.

12 MS. JENKINS: If someone gets
13 kicked out of Roll Call, you hold it again.

14 CHAIRPERSON MILLER: Right.

15 MS. JENKINS: If someone gets
16 kicked out of Status Hearing, you would hold
17 that again.

18 CHAIRPERSON MILLER: Pick up
19 there. Okay.

20 MEMBER ALBERTI: Okay.

21 MS. JENKINS: Unless this was a
22 replacard --

1 CHAIRPERSON MILLER: That makes
2 sense.

3 MS. JENKINS: -- because they
4 didn't get reinstated. I mean, I don't know
5 the facts here.

6 CHAIRPERSON MILLER: It's a
7 renewal. It's a renewal.

8 MS. JENKINS: That's not helpful.
9 I mean, that's not enough information.

10 CHAIRPERSON MILLER: Okay.

11 MEMBER ALBERTI: But tell them
12 that --

13 CHAIRPERSON MILLER: It says we
14 denied them reinstatement.

15 MEMBER ALBERTI: Tell them that
16 we --

17 CHAIRPERSON MILLER: They have to
18 file a new application again.

19 MS. JENKINS: Okay. So then --

20 MEMBER ALBERTI: We will reinstate
21 their protest.

22 MS. JENKINS: Right.

1 CHAIRPERSON MILLER: Okay. I
2 forgot where I left off, but I'm moving that
3 we definitely grandfather their protest as we
4 indicated. And they wanted some advice with
5 respect to what their obligations were.

6 And I would move also that we
7 delegate that advice to our General Counsel,
8 Martha Jenkins, that they should touch base
9 with her.

10 MEMBER ALBERTI: I'll second that.

11 CHAIRPERSON MILLER: Okay. So all
12 those in favor say aye.

13 ALL: Aye.

14 CHAIRPERSON MILLER: All those
15 opposed? All those abstaining? The motion
16 passes 5-0-0. What? Okay.

17 MEMBER ALBERTI: Ruthanne?

18 CHAIRPERSON MILLER: Yes?

19 MEMBER ALBERTI: Martha says
20 postpone VIP.

21 CHAIRPERSON MILLER: Okay.

22 MEMBER ALBERTI: Yes. She still

1 wants to consult with Fred.

2 CHAIRPERSON MILLER: Oh, okay. So
3 we are going to just go back to No. 6, which
4 concerns The VIP Room. And I had made a
5 motion that we postpone one week and I would--

6 MEMBER ALBERTI: I'll second that
7 motion.

8 CHAIRPERSON MILLER: Yes, okay,
9 reiterate that. Okay. Mr. Alberti seconded
10 the motion.

11 All those in favor say aye.

12 ALL: Aye.

13 CHAIRPERSON MILLER: All those
14 opposed? All those abstaining? The motion
15 passes 5-0-0.

16 Okay. No. 8 is a settlement
17 agreement dated June 26, 2014 between ANC-3/4G
18 and American City Diner, which is located at
19 5532 Connecticut Avenue, N.W., License No.
20 94922.

21 I move that we approve this
22 settlement agreement.

1 MEMBER RODRIGUEZ: Second it.

2 CHAIRPERSON MILLER: Mr. Rodriguez
3 has seconded the motion.

4 All those in favor say aye.

5 ALL: Aye.

6 CHAIRPERSON MILLER: All those
7 opposed? All those abstaining? The motion
8 passes 5-0-0.

9 No. 9 is a settlement agreement
10 dated June 17, 2014 between ANC-3F and
11 Laliguras DC. The establishment is Laliguras
12 Indian & Nepali Bistro located at 4221 B
13 Connecticut Avenue, N.W., License No. 95042.

14 I move that we approve this
15 settlement agreement.

16 MEMBER SHORT: Second.

17 CHAIRPERSON MILLER: Mr. Short has
18 seconded the motion.

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those
22 opposed? All those abstaining? The motion

1 passes 5-0-0.

2 No. 10 are two requests from E & J
3 Gallo to provide retailers with products
4 valued at more than \$50 and less than \$500.

5 I move that we approve the
6 request. Do I have a second?

7 MEMBER ALBERTI: Second.

8 CHAIRPERSON MILLER: Mr. Alberti
9 seconded the motion.

10 All those in favor say aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those
13 opposed? All those abstaining? The motion
14 passes 5-0-0.

15 No. 11 is a review of Emergency
16 and Proposed Rulemaking for Adams Morgan
17 Moratorium Zone.

18 We voted on this this morning and
19 the vote was to approve 6-0-0. So I don't
20 believe we need to vote again.

21 All right. So that concludes the
22 Legal Agenda.

1 And then we have a Supplemental
2 Legal Agenda.

3 The first item is a Petition to
4 Terminate the settlement agreement dated June
5 30, 2014 filed by Cheerz Sports Grill located
6 at 7303 Georgia Avenue, N.W., License No.
7 095178.

8 I move that we postpone this one
9 week. Do I have a second?

10 MEMBER SHORT: Second.

11 CHAIRPERSON MILLER: Mr. Short,
12 okay. Mr. Short has seconded the motion.

13 All those in favor say aye.

14 ALL: Aye.

15 CHAIRPERSON MILLER: All those
16 opposed? All those abstaining? The motion
17 passes 5-0-0.

18 No. 2 is an opposition to the
19 Motion to Consolidate protest hearings. We
20 already addressed this in connection with No.
21 2 on the Legal Agenda.

22 No. 3 is a letter dated June 10,

1 2014 from Emanuel Mpras, counsel for Grand
2 Cata, LLC. Grand Cata is located at 440 K
3 Street, N.W., License No. 95041.

4 In that letter, Mr. Mpras requests
5 the continuance of placarding and eventual
6 approval of its Class A Liquor License
7 application.

8 I move that we deny this request.

9 MEMBER SHORT: Second.

10 CHAIRPERSON MILLER: Mr. Short has
11 seconded the motion. Any comments on this
12 one? Okay. It is related to another
13 establishment not having shown up in the GIS
14 Mapping System. Okay. So it has been
15 seconded.

16 All those in favor of the motion
17 to deny say aye.

18 ALL: Aye.

19 CHAIRPERSON MILLER: All those
20 opposed? All those abstaining? The motion
21 passes 5-0-0.

22 No. 4 is a request to stay Board

1 Order 2014-249 related to Rhino Bar Pumphouse
2 located at 3295 M Street, N.W., License No.
3 000523.

4 I move that we approve the stay of
5 the order. I move that we approve the request
6 and stay the order. Okay. Do I have a
7 second?

8 MEMBER ALBERTI: Second.

9 CHAIRPERSON MILLER: Mr. Alberti
10 has seconded the motion.

11 All those in favor say aye.

12 ALL: Aye.

13 CHAIRPERSON MILLER: All those
14 opposed? All those abstaining? The motion
15 passes 5-0-0.

16 Is that it? Okay. Okay. That
17 concludes our agendas for July 9, 2014.

18 And what remains is our voting on
19 our sessions for next week.

20 As Chairperson of the Alcoholic
21 Beverage Control Board for the District of
22 Columbia and in accordance with Section 405 of

1 the Open Meetings Amendment Act of 2010, I
2 move that the ABC Board hold a closed meeting
3 on July 16, 2014 for the purpose of seeking
4 legal advice from our counsel on the matters
5 identified on the Board's Agenda for July 16,
6 2014 as published in the DC Register on July
7 11, 2014.

8 Is there a second?

9 MEMBER RODRIGUEZ: Second.

10 CHAIRPERSON MILLER: Mr. Rodriguez
11 has seconded the motion. I'll now take a roll
12 call vote on the motion before us now that it
13 has been seconded.

14 Mr. Brooks?

15 MEMBER BROOKS: I agree.

16 CHAIRPERSON MILLER: Mr. Alberti?

17 MEMBER ALBERTI: I agree.

18 CHAIRPERSON MILLER: Mr.
19 Rodriguez?

20 MEMBER RODRIGUEZ: I agree.

21 CHAIRPERSON MILLER: Ms. Miller
22 agrees.

1 Mr. Short?

2 MEMBER SHORT: I agree.

3 CHAIRPERSON MILLER: It appears
4 that the motion has passed by a 5-0-0 vote.

5 I hereby give notice that the ABC
6 Board will hold this aforementioned closed
7 meeting pursuant to the Open Meetings
8 Amendment Act of 2010. Notice will also be
9 posted on the ABC Board hearing room bulletin
10 board, placed on the electronic calendar on
11 ABRA's website and published in the DC
12 Register in as timely a manner as practicable.

13 As Chairperson of the Alcoholic
14 Beverage Control Board for the District of
15 Columbia and in accordance with Section 405 of
16 the Open Meetings Amendment Act of 2010, I
17 move that the ABC Board hold a closed meeting
18 on July 16, 2014 for the purpose of discussing
19 and hearing reports concerning ongoing or
20 planned investigations of alleged criminal or
21 civil misconduct or violations of law or
22 regulations and seeking legal advice from our

1 counsel on the Board's Investigative Agenda
2 for July 16, 2014, as published in the DC
3 Register on July 11, 2014.

4 Is there a second?

5 MEMBER BROOKS: Second.

6 CHAIRPERSON MILLER: Mr. Brooks
7 has seconded the motion. I'll now take a roll
8 call vote on the motion before us now that it
9 has been seconded.

10 Mr. Brooks?

11 MEMBER BROOKS: I agree.

12 CHAIRPERSON MILLER: Mr. Alberti?

13 MEMBER ALBERTI: I agree.

14 CHAIRPERSON MILLER: Mr.
15 Rodriguez?

16 MEMBER RODRIGUEZ: I agree.

17 CHAIRPERSON MILLER: Ms. Miller
18 agrees.

19 Mr. Short?

20 MEMBER SHORT: I agree.

21 CHAIRPERSON MILLER: Okay. It
22 appears that the motion has passed by a 5-0-0

1 vote.

2 I hereby give notice that the ABC
3 Board will hold this aforementioned closed
4 meeting pursuant to the Open Meetings
5 Amendment Act of 2010. Notice will also be
6 posted on the ABC Board hearing room bulletin
7 board, placed on the electronic calendar on
8 ABRA's website and published in the DC
9 Register in as timely a manner as practicable.

10 And that concludes our business
11 for July 9, 2014 and we are adjourned.

12 (Whereupon, the A.B.R.A. Agenda in
13 the above-entitled matter was concluded at
14 6:54 p.m.)

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